

REMARKS

Claims 1 to 11 are pending. Claim 1 has been amended to incorporate the limitations of Claim 6, which is currently canceled, and claims 1 and 7-10 have been amended to add certain limitations from claim 11. Claim 11 has been amended to clarify its meaning consistent with the Examiner's interpretation.

Election of Species

The undersigned confirms election of the IRM species imiquimod for examination purposes.

Nonstatutory Double Patenting Rejections

Claims 1-5 were provisionally rejected on the basis of obviousness-type double patenting over claims in copending applications 11/091037, 11/358,017, 10/808,004.

Since the limitations of claim 6 and 11 have been incorporated into claim 1, it is believed that the rejections should be moot.

§ 112 Rejections

Claim 11 was rejected under 35 USC § 112, second paragraph, as being indefinite. Claim 11 has now been amended to clarify that changes in the dermis are selected from one or more of the specified changes. The language "and combination thereof" has been changed to "or a combination thereof."

Claim 11 was rejected under 35 USC § 112, first paragraph, as allegedly not being enabled as to *preventing* changes in the dermis. In order to expedite prosecution the language "or prevent" has been deleted. However, Applicant reserves the right to pursue claims having such language at a future time.

Claims 1, 4, and 5 were rejected under 35 USC § 112, first paragraph, as allegedly not being enabled for all IRM compounds. This rejection is deemed overcome in view of the amendments to claim 1.

Claims 2, 3 and 6-11 were rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses because claim 1 as amended is limited to specific classes of IRM compounds that have related core chemical structures, operate via the same mechanisms of action (TLR 7 and/or 8), and written description regarding formulation of such compounds is clearly set forth at e.g., the paragraph bridging page 7 and 8 of the application. Reconsideration and withdrawal of the rejection is therefore requested.

§ 103 Rejections

Claims 1-7, 9 and 10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maibach et al. (US 2003/0072724 A1) in view of Raz et al. (US 2004/0248837 A1). It is submitted that this rejection is moot in view of the amendments to claims 1, 7, 9 and 10 adding certain limitations of claim 11.

Claims 8 and 11 were rejected under 35 USC § 103(a) as being unpatentable over Yu et al. (US6,335,023 B1) in view of Maibach et al. (US 2003/0072724 A1). This rejection is respectfully traversed because the mention of imiquimod in Yu et al. is merely part of an extensive laundry list of widely unrelated drugs and one skilled in the art would not have understood this as a suggestion to combine Yu et al. with Maibach et al. so as to use imiquimod to reduce wrinkles or treat diminution in the number and diameter of elastic fibers in the papillary dermis, atrophy of the dermis, reduction in subcutaneous adipose tissue, deposition of abnormal elastic materials in the upper dermis, or a combination thereof.

Accordingly, in view of all the above, reconsideration and favorable action are requested.

Respectfully submitted,

January 30, 2008

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